

1 The Honorable Richard A. Jones  
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10 UNITED STATES DISTRICT COURT FOR THE  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 TONY SAMOUN,  
19 Defendant.  
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21 NO. 2:24-cr-00203-RAJ  
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24 DISCOVERY PROTECTIVE ORDER  
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27 This matter, having come to the Court's attention on the parties' joint motion for  
entry of a discovery protective order, and the Court, having considered the motion, and  
being fully advised in this matter, pursuant to Fed. R. Crim P. 16(d)(1), hereby enters the  
following PROTECTIVE ORDER:

28 1. **Protected Material.** For purposes of this Order, "Protected Materials"  
29 shall include discovery consisting of sensitive materials that disclose voluminous  
30 documents containing personal identifying information, law enforcement statements of  
31 lay witnesses, and criminal history reports of third parties.  
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1           2. **Designation of Protected Material.** The Protected Material shall be  
2 designated by the government, on the material itself, in a placeholder if the electronic file  
3 cannot be marked (as is the case with certain native files), or on a physical label affixed to  
4 a disk or other media, using the following designation “PROTECTED MATERIAL.” The  
5 failure to designate any materials as Protected shall not constitute a waiver of a party’s  
6 assertion that the materials are covered by this Protective Order. If material is later found  
7 to be covered by this Protective Order, the government will re-produce a properly  
8 designated copy of the material.

9           3. **Production of Protected Material to the Defense.** The United States will  
10 make available copies of the Protected Materials, including those filed under seal directly  
11 to defense counsel to comply with the government’s discovery obligations, and/or to a  
12 Coordinating Discovery Attorney, should one be appointed. Possession of copies of  
13 Protected Material is limited to attorneys of record, their office staff, investigators,  
14 paralegals, assistants, and law clerks, as well as necessary third-party vendors, consultants,  
15 and/or experts (hereinafter collectively referred to as “members of the defense team”). At  
16 all times, third-parties shall be subject to the terms of this order. Further, the attorneys of  
17 record are required to make available, prior to disseminating any copies of the Protected or  
18 Sensitive Materials to members of the defense team, a copy of this Protective Order to  
19 members of the defense team.

20           4. **Restrictions on use with Artificial Intelligence Tools.** The Protected  
21 Material shall not be loaded into an artificial intelligence (AI) tool or model, generative or  
22 not, where rights to the data are retained by any party that has not explicitly agreed to be  
23 covered by the protective order.

24           5. **Review of Protected Material by Defendant.** The attorneys of record and  
25 members of the defense team may share and review the Protected Material with Defendant.

1 If Defendant is in custody at the Federal Detention Center (FDC), he will be permitted to  
2 review the Protected Material, consistent with the regulations established by the BOP, with  
3 or without counsel, in a controlled environment at the Federal Detention Center (FDC), but  
4 will be prohibited from printing out, copying, disseminating, or otherwise retaining the  
5 discovery. If Defendant is on pretrial release, he will be permitted to review the Protected  
6 Material at the offices of his counsel, but will be prohibited from printing out, copying, or  
7 disseminating the discovery.

8       **6. Limits on Dissemination of Protected Materials.** The attorneys of record  
9 and members of the defense team acknowledge that providing copies of the Protected  
10 Material to Defendant and other persons is prohibited and agree not to duplicate or provide  
11 copies of the Protected Material to Defendant and other persons. Members of the defense  
12 team, Defendant, and any others to whom disclosure of the content of Protected Material  
13 may be necessary to assist with the preparation of the defense, shall not disclose the  
14 Protected Material or its contents, other than as necessary for the preparation of defenses  
15 at trial and in subsequent legal proceedings, if necessary. This order does not limit  
16 employees of the United States Attorney's Office for the Western District of Washington  
17 from disclosing the Protected Material to members of the United States Attorney's Office,  
18 law enforcement agencies, witnesses, and the Court and defense as necessary to comply  
19 with the government's discovery obligations.

20       **7. Future Production of Additional Protected Materials.** Additional types of  
21 discovery items may be deemed by the parties to constitute Protected Material upon  
22 agreement, or (if no agreement can be reached) by further order of the Court.

23       **8. No Waiver.** Nothing in this order should be construed as imposing any  
24 substantive discovery obligations on the government that are different from those imposed  
25 by case law and Rule 16 of the Federal Rules of Criminal Procedure.

1           9. **Use of Protected Material in Court.** Any Protected Material that is filed  
2 with the Court in connection with pre-trial motions, trial, or other matter before this Court,  
3 shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This  
4 does not entitle either party to seal their filings as a matter of course. The parties are  
5 required to comply in all respects with the relevant local and federal rules of criminal  
6 procedure pertaining to the sealing of court documents. If the Protected Material to be filed  
7 with the Court was designated as Protected solely because it contains personal-identifying  
8 information, it may be filed publicly, provided it has been redacted in compliance with  
9 Federal Rule of Criminal Procedure 49.1 and Local Criminal Rule 49.1.

10          10. **Non-Termination.** The provisions of this Order shall not terminate at the  
11 conclusion of this prosecution. Furthermore, after any judgment or disposition has become  
12 final and there are no pending proceedings, challenges, appeals, or habeas motions in the  
13 case, defense counsel shall destroy the Protected Materials. If defense counsel finds that  
14 retention of the Protected Materials in their possession is necessary for authorized reasons,  
15 such as professional or ethical obligations, defense counsel shall retain the Protected  
16 Materials in their case file subject to the restrictions of this Order.

17          11. **Violation of Order.** Any person who willfully violates this order may be  
18 held in contempt of court and may be subject to monetary or other sanctions as deemed  
19 appropriate by this Court.

20          12. **Modification of Order.** Nothing in this Stipulation shall prevent any party  
21 from seeking modification of this Protective Order or from objecting to discovery that it  
22 believes to be otherwise improper. The parties agree that in the event that compliance with  
23 this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
24 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall  
25 bring any concerns about the terms of the Order to the attention of the government. The

1 parties shall then meet and confer with the intention of finding a mutually acceptable  
2 solution. In the event that the parties cannot reach such a solution, defense counsel shall  
3 have the right to bring any concerns about the scope or terms of the Order to the attention  
4 of the Court by way of a motion.

5 **13. No Ruling on Discoverability or Admissibility.** This Protective Order does  
6 not constitute a ruling on the question of whether any particular material is properly  
7 discoverable or admissible and does not constitute any ruling on any potential objection to  
8 the discoverability of any material.

9 **14. No Ruling on Timing of Production.** This Protective Order does not require  
10 the Government to provide particular discovery at a time or in a fashion inconsistent with  
11 applicable law.

12 **15. Addition of Defendants after Entry of Order.** This Protective Order will  
13 cover additional Defendants in this case so long as they agree to be bound by the terms of  
14 this Protective Order and so indicate that consent by the execution of a supplemental  
15 stipulation, which shall be filed as an addendum or supplement to this Protective Order.

16 The Clerk of the Court is directed to provide a filed copy of this Protective Order to  
17 all counsel of record.

18 DATED this 28th day of February, 2025.  
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22 The Honorable Richard A. Jones  
23 United States District Judge  
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